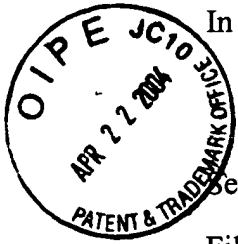


IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



In re Application of

Siming Lin, Dinesh Nair,
and Darren Schmidt

Serial No.: 09/737,531

Filed: December 13, 2000

**For: SYSTEM AND METHOD FOR
COLOR CHARACTERIZATION USING
FUZZY PIXEL CLASSIFICATION
WITH APPLICATION IN COLOR
MATCHING AND COLOR MATCH
LOCATION**

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Attorney Dkt. No.: 5150-46400

§ Art Unit: 2623

Examiner: Wu, Jingge

**RECEIVED**

APR 26 2004

**OFFICE OF PETITIONS**

DECLARATION UNDER 37 C.F.R. §1.131  
OF INVENTORS SIMING LIN, DINESH NAIR, AND DARREN SCHMIDT

We, Siming Lin, Dinesh Nair, and Darren Schmidt, declare on the basis of personal knowledge as follows:

1. We are the joint inventors of the subject matter of the present patent application, which we have petitioned to claim priority as a continuation-in-part of U.S. patent application Serial No. 09/375,453 titled "System and Method for Color Characterization with Applications in Color Measurement and Color Matching" and filed August 17, 1999.

2. We have been informed that in the present application, certain claims have been rejected on reference to the article, “Embedding fuzzy logic in content based image retrieval” by Vertan et al., with a publication date in 2000.

3. As set out in detail below in paragraphs 5 - 11, we conceived and reduced to practice the subject matter claimed in the present application within the United States before 2000.

4. As set out in below in paragraphs 5 - 11, since a date earlier than 2000, we diligently pursued reduction to practice and commercialization of the invention.

5. Exhibits 1 - 4 attached hereto demonstrate conception and reduction to practice of the invention prior to 2000. Exhibits 1 - 4 are true copies of files from our computer system. The files were created and stored by us within the United States prior to 2000.

6. Exhibit 1 is a printout of a computer program operable to assign pixels of a template image to color categories.

7. Exhibit 2 is a printout of a computer program operable to apply a fuzzy membership function to re-distribute the assignation of pixels to color categories. After applying the fuzzy membership function, one or more pixels of the template may be re-distributed so that for each of the one or more pixels, a portion of the weight of the pixel is assigned to multiple color categories.

8. Exhibits 1 and 2 together implement one embodiment of the color characterization method described and claimed in the present application.

9. Exhibit 3 is a printout of a file showing the revision history of the computer program of Exhibit 1.

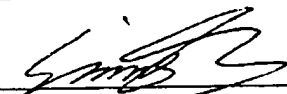
10. Exhibit 4 is a printout of a file showing the revision history of the computer program of Exhibit 2.

11. On August 17, 1999, U.S. patent application Serial No. 09/375,453 was filed. We have petitioned for the present application to be a continuation-in-part of this application. This application describes the concept of re-distributing the assignation of pixels to color categories.

12. As a below named inventor, I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under §1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application of any patent issued thereon.

12. As a below named inventor, I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under §1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application of any patent issued thereon.

Name: Siming Lin

Signature: 

Date: 4/16/2004

Name: Dinesh Nair

Signature: 

Date: 4/16/2004

Name: Darren Schmidt

Signature: 

Date: 4/16/2004